

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

William Rupert, et al.,

NO. C 10-02172 JW

Plaintiffs,

**ORDER VACATING CASE
MANAGEMENT CONFERENCE**

v.

Robert Attack, et al.,

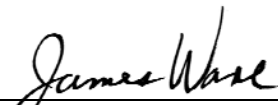
Defendants.

This case is scheduled for a Case Management Conference on November 22, 2010.

Defendants have filed a Motion to Dismiss currently set for hearing on January 31, 2011. (See Docket Item No. 14.) On November 9, 2010, Defendants filed a Request for Continuance of the Case Management Conference pending a ruling on their dispositive Motion. (Docket Item No. 16.) Plaintiffs do not oppose this request. (Docket Item No. 17 at 10.)

In light of Defendants' pending dispositive Motion, the Court finds that a Case Management Conference would be premature at this time. Accordingly, the Court VACATES the November 22 Conference. The Court will set a new Case Management Conference date in its Order addressing Defendants' Motion to Dismiss, if necessary.

Dated: November 16, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 John P. Devine john.devine@doj.ca.gov

3 William Rupert &
4 Carol Slater
5 P.O. Box 66403
6 Scotts Valley, CA 95067-6403

7 **Dated: November 16, 2010**

Richard W. Wieking, Clerk

8 **By: /s/ JW Chambers**
9 **Elizabeth Garcia**
10 **Courtroom Deputy**